

To:

Mr Chris Heaton-Harris MP
Minister of State
Department for Transport
Horseferry Road
London, SW1P 4DR

By email

13 August 2021

Dear Minister,

Public Service Vehicles Accessibility Regulations 2000 (PSVAR) and its application to Rail Replacement Services (RRS) – Progress Report February to April 2021

Please find enclosed the fourth progress report detailing the use of PSVAR vehicles during the period of May 2021 to July 2021. We committed to continuing to provide these updates following your correspondence of 11 December 2020, granting a time-limited special authorisation to coach and bus operators who provide RRS, pursuant to s.178 of the Equality Act 2010 from 1 January this year to 30 September 2021.

PSVAR compliance during this latest period remains high despite the typically scarce supply of PSVAR compliant vehicles (specifically coaches) available to Train Operating Companies (TOCs) for the provision of rail replacement. Rail industry passenger volumes while now steadily climbing, remain lower during this period than was the case pre pandemic, meaning a lower volume of vehicles is required to meet passenger demand. Operators continue to adopt all reasonable measures to procure PSVAR compliant vehicles but have reported that as domestic tours and holidays return in higher volumes, demand from other markets makes sourcing compliant vehicles more challenging – as was the case pre pandemic.

In the absence of progress in relation to a long-term legislative solution we have continued to deliver against the proactive commitments that go over and above PSVAR and predate the ORR's updated Accessible Travel Policy obligations on rail replacement. These are contained within the previously submitted 'Pathway to Compliance' and our previous correspondence, but broadly cover better information provision, improved staff training and creative use of the limited supply of PSVAR compliant vehicles.

The overwhelming feedback from the accessibility and disabled professionals we engaged with prior to the development of the 'Pathway to Compliance' was that information and knowing what to expect enabled them to make informed choices and that a PSVAR compliant vehicle doesn't mean access for all disabled customers. As such, and with a view to encouraging people back to the network, at the end of this month we will be launching a video, which highlights what to expect as a disabled customer when returning to the network and how colleagues can assist as required. There will be a special focus within the video on RRS.

The video will show experiences of customers with visual impairments, hidden disabilities, and wheelchair users. It will cover everything from planning a journey, highlighting the improved information available on NRE regarding RRS and what to do if the vehicle for RRS doesn't meet their needs. It will also detail how to request assistance through 'Passenger Assistance', what to expect at the station, and how customers will be assisted in completing their journey should unplanned RRS be in place. We hope it will help to reassure customers as they consider a return to the network. This will launch towards the end of this month on our social

channels and will be linked on NRE to any disruption warnings on journeys when RRS will be in place.

One of the conditions of the existing Special Authorisation was that we continue to provide the enclosed data showing monthly compliance levels across all operators. There are also reporting obligations to the ORR as part of the ATPs. That requirement has previously demanded less frequent reporting and was not aligned with the data that we were providing. RDG has proactively worked with the ORR to align these two reporting obligations, meaning operators now provide the same data directly to the regulator, containing periodic compliance data.

As you consider the next steps relating to this matter, can consideration please be given to whether you still require direct reporting from the RDG on compliance levels or if this data alignment with the regulator might remove that requirement should a longer-term solution or interim measure be put in place after September. We are happy to continue to provide it but felt it appropriate to flag this development.

We continue to stand by the principles as to how to achieve compliance on planned and unplanned rail replacement as set out in our proposals. We welcome that there is now joint working between the bus and rail teams at the Department. I think there are broad areas of theoretical agreement from all involved parties, such as the need to align Home to School (H2S) and RRS, to create the right market conditions to stimulate supply and the need for a longer-term legislative solution. We are, however, keen to move into implementation and the resulting better customers outcomes as a result as soon as is practicable.

We look forward to formal notification of the arrangements after September as soon as possible to enable operators to plan appropriately. We remain ready to work collectively with the DfT, DPTAC, ORR and the coach industry to deliver a sustainable solution.

I'd be happy to discuss any of the matters raised in this letter or the enclosed report as required.

Yours Sincerely,



Andy Bagnall
Director General